

Appl. No. 10/032,249  
Preliminary Amendment dated December 5, 2005

### **REMARKS**

Consideration of the above-identified application in view of the foregoing amendments following remarks is respectfully requested. By this paper, claims 3-4, 9, 11-15, 17-18 and 20-24 are cancelled without prejudice or disclaimer. In addition, claims 1-2, 5, 8, 10, 16 and 19 are amended as set forth above.

The September 6, 2005 final office action had rejected the previously pending claims pursuant to 35 U.S.C. § 103(a), as allegedly being obvious over various cited references, as follows:

<b><u>Claim(s)</u></b>	<b><u>References</u></b>
1, 2, 5, 8-10 and 13-23	U.S. Patent No. 6,370,111 to Takeda et al. ("Takeda") in view of US-2001/0021650 to Bilgic ("Bilgic")
3, 4 and 24	Takeda in view of Bilgic and in further view of U.S. Patent No. 6,477,183 to Yamamoto ("Yamamoto")
11	U.S. Patent No. 6,233,463 to Wiedeman et al. ("Wiedeman") in view of U.S. Patent No. 6,215,782 to Buskens et al. ("Buskens")
12	Bilgic in view of US-2004/0176129 to Mcnon et al. ("Menon")

As explained below, these references, taken singly or in combination are not believed to adversely impact the patentability of pending claims 1-2, 5, 8, 10, 16 and 19. In particular, claims 1-2, 5, 8, 10, 16 and 19 are patentably distinct from Takeda in view Bilgic, since the final claim element is not shown in the cited references. Accordingly, a proper *prima facie* case of obviousness cannot be made, and the claims should be allowed. *See* MPEP § 2143.

Applicants' claim 1 recites:

1. A wireless communication system comprising  
a base station and  
a wireless communication apparatus,  
wherein the wireless communication system resets transmission  
timing for retransmitting of a control signal transmittal from the

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base station and addressed to the wireless communication apparatus in a case where transmission of the control signal from the base station and addressed to the wireless communication apparatus fails.

Takeda is directed to a method for controlling communication of mobile equipment. The office action (a pp. 3-4) argues that the wireless communication system of Takeda includes a public base station (ref. 902), a mobile station (ref. 901). One difference between Takeda and claim 1, according to the office action is that "[Takeda] does not explicit[ly] disclose wherein the communication system controls transmission timing of a control signal transmitted from the base station and addressed to the wireless communication apparatus" when the system is out of order. For this feature, the office action relies on Bilgic.

Bilgic is directed to a communication control for a user of a central communication center. Bilgic's Figure 1A shows a wireless communication system (ref. 101) for communication among a plurality of mobile stations (ref. 102). The system has a plurality of cells (ref. 103), each with a base station (ref. 104).

Paragraphs 122 to 123 relate to a "BS Specific Poll Recover" process. During communications between the base station (104) and the mobile station (102), the mobile station sends a message to the base station acknowledging its registration with the base station. [paragraphs 116-118]. The base station establishes a time (706) that designates the maximum time it will wait for this acknowledgement. [paragraph 122]. If that time elapses without acknowledgment, a "BS Specific Poll Recover" process is undertaken. In that process, the base station transmits a specific poll message for the mobile station in *each time frame* to enable the mobile station to resynchronize with the base station. [paragraph 123]. Thus, as Applicants understand Bilgic's disclosure, he transmits a poll message at regular, periodic intervals. There

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is no resetting of transmission timing. Accordingly, Bilgic fails to teach, disclose or suggest resetting of transmission timing of a control signal transmittal from the base station and addressed to the wireless communication apparatus in a case where wireless communication fails as recited in Applicants' independent claim 1.

With specific regard to Yamamoto, it discloses that a control message M6 is representative of putting back the built-in clock 21a/22a to a certain timing, or putting the built-in clock 21a/22b forward to a certain timing. [Yamamoto, column 4, lines 51-55]. Accordingly, Yamamoto fails to teach, disclose or suggest resetting of transmission timing of a control signal transmittal from the base station and addressed to the wireless communication apparatus in a case where wireless communication fails as recited in Applicants' independent claim 1.

The other cited references (Wiedeman, Buskens and Menon) are cited in connection with dependent claims 3-4, 11-12, and 24. They are not alleged to teach, disclose or suggest resetting of transmission timing of a control signal transmittal from the base station and addressed to the wireless communication apparatus in a case where wireless communication fails as recited in Applicants' independent claim 1.

Accordingly, as Applicants cannot find that claim element of Applicants' claim 1 in the cited references, at least independent claims 1, 8, and 10, and their dependent claims 2, 5, 16 and 119 are respectfully asserted to be in condition for allowance.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicants have chosen not to swear behind the Wiedeman, Takeda, Yamamoto, Bilgic and Menon documents cited by the office action at this time. Applicant,

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however, reserves the right, as provided by 37 C.F.R. § 1.131, to do so in the future as appropriate.

Finally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

### CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4804.

Respectfully submitted,  
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Dated: December 5, 2005

By: \_\_\_\_\_

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